



Texas Catholic Conference of Bishops

THE PUBLIC POLICY VOICE OF THE CHURCH

November 2, 2020

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Texas House Criminal Jurisprudence Committee
(512) 463-0768

Sent via email to: tiffany.white_hc@house.texas.gov.

RE: Interim Charge 4, Notice of Formal Request for Information

Dear Chair Collier and Members of the Committee,

I am contacting you on behalf of the Texas Catholic Conference of Bishops (TCCB). The TCCB is the public policy voice of the Roman Catholic Bishops in Texas. In this role, we provide comment on issues affecting human life and dignity, including on restorative justice and the death penalty. We have supported criminal justice reform at the Texas Legislature with a perspective informed by Scripture and the social teachings of the Church.

The TCCB appreciates this opportunity to provide comment on Interim Charge 4, particularly regarding trial court procedures in capital sentencing and implementation. During the 86th session of the Texas Legislature, the TCCB supported several bills that would address problematic jury instructions in capital cases, including [SB 716](#) (filed by Sen. Lucio) and [HB 1030](#) (filed by Rep. Moody).

SB 716 removed directives that require judges and attorneys to lie to jurors about the level of unanimity required for a death sentence. The TCCB supported this bill which will improve the rights of jurists serving in death penalty sentencing cases. HB 1030 would allow a judge to explain to a capital sentencing jury that unanimity is required and that every juror - acting alone - has the power to sentence a capital offender to life without parole rather than death. The TCCB supported this bill to improve transparency in capital sentencing proceedings. While these bills did not pass in time before session ended, we are determined to continue supporting these bills or similar legislative vehicles for capital sentencing reform during the 87th Session.

These bills would go a long way to address concerns we have with the current capital sentencing process. According to research compiled by the [Catholics Mobilizing Network Against the Death Penalty](#), there are serious procedural deficiencies and sentencing disparities when it comes to capital cases. For example, they point out the lack of qualified counsel for defendants in capital cases. In turn, court-appointed attorneys often lack the experience necessary for capital trials, are overworked, and underpaid. This often results in poorly handled cases where mitigating factors and tools such as DNA evidence, severe mental illness, or Intellectual Disability may not be brought up.

In Texas, the [Texas Coalition to End the Death Penalty](#) also notes serious concerns with wrongful convictions and executions: "Since 1973, more than 170 individuals – including 13 people in Texas – have been released from death rows nationwide due to evidence of their wrongful conviction." Potentially in light of increasing concerns, they note that Texas juries have also been increasingly reluctant to impose death sentences with the number of sentences in the single digits for the past five years.

For the following reasons, we respectfully ask the committee to consider opportunities for capital sentencing reform and prepare for the passage of these or similar bills next session. As Pope Francis recently wrote in his new letter, [*Fratelli Tutti*](#), the death penalty is “inadequate from a moral standpoint and no longer necessary from that of penal justice” and that “the Church is firmly committed to calling for its abolition worldwide.” At the same time, he recognized the important role of “legitimate public authority” to promote justice and ensure “appropriate redress” for criminal acts. Please be assured of our prayers for you and other Members of the House Criminal Jurisprudence Committee as you exercise this solemn responsibility.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachana Chhin'.

Rachana Chhin, J.D., LL.M.
Legislative Counsel